

THE SUPREME COURT VS. THE NEGRO.

The decision of the United States Supreme Court in the Alabama Negro Suffrage case comes as a clap of thunder from a clear sky. With a great Republican like Roosevelt, President of the United States, a great Democrat like Grover Cleveland openly espousing human rights, a great financier like Andrew Carnegie grandly testifying to the worthiness of the Negro, by giving at once \$600,000 to assist Prof. Booker T. Washington and the Tuskegee Institute to prepare him for the great battles of life in this great country, with all this and much more in our favor at the present time—it surpasseth knowledge that the majority of a learned body like the Supreme Court could give deliverance to such an iniquitous decision at this particular time.

When we read and consider the finesse of the reason of Associate Justice Holmes, who prepared and rendered the decision, it becomes plain to us that bare technicalities have been seized upon and given out as the grounds of denial of the prayer of the petition.



JUSTICE JOHN M. HARLAN.
The Colored Peoples Friend on the U. S. Supreme Bench.

Mr. Justice Holmes' reasoning is as faulty as the decision itself. He says that to grant the relief sought would be to recognize the constitutionality of the Alabama constitution which the petition assails as a fraud upon the Constitution of the United States. Mr. Justice Holmes must know that had the Supreme Court speaking through him would not have done so in recognition of the constitutionality of the Alabama Constitution, but rather in recognition of the unconstitutionality of that instrument, considered in the light of the Constitution of the United States and its amendments.

Mr. Justice Holmes says that it is not a case of equity, but a political case. The learned Justice seems to have lost sight of the fact that the case involved the equal rights of one eighth of the population of the United States. It would be hard for Mr. Justice Holmes, even with his discriminating legal acumen to distinguish between equal right and equitable right, and between equal right and political rights, for the term equal or equitable rights certainly includes political rights.

We think that Mr. Justice Holmes and the Justices on the Supreme Bench concurring with him erred in reaching the decision especially as they attempted to decide the question involved in the case upon its merits. When he came to the conclusion that State rights as defined in the Alabama constitution were, in the eyes of the Supreme Court, more potent than human rights as defined in the Constitution of the United States, it would have been far better for him and his associates who agreed with him, to have followed that great and shining legal luminary on the Supreme Bench, Mr. Justice Harlan and have denied jurisdiction of the matter, and thereby have prevented the set back which the struggle for equal rights before the law necessarily receives this adverse decision of a question involving the manhood rights of ten million American citizens.

The enemies of human rights will not stop to solve the intricate reasoning and technicalities of Mr. Justice Holmes; all they are interested in is to know that the decision is against the Negroes.

Then too, Mr. Justice Holmes took pains to let the world know that he was passing on a question involving the rights of Negroes, not white men, thereby bidding for the approval of the dominant race in this country. In this we are glad to note that he reckoned without his host, for the leading papers of the country, including The New York Tribune, The New York Evening Post, The Washington Evening Star and many others have editorially expressed their disapproval of the decision of the Supreme Court in no uncertain terms.

We will say to our white friends, and to the Supreme Court, that we will fight on; we will never give up the battle until every right guaranteed by the Constitution of the United States to every citizen is meted out alike to black and white, without discrimination on account of color or previous condition of servitude.

Justice Holmes says it was alleged by Giles that 'the refusal to register the blacks was a part of a general scheme to disfranchise them. The Federal Circuit Court of the Middle district of Alabama dismissed the bill for want of jurisdiction. It was contended, says Justice Holmes, that the Federal Courts had jurisdiction in equity under sections 629 and 1979 of the Revised Statutes, providing that every person who, under color of a State statute, ordinance, regulation, custom of usage * * * subjects, or cause to be subjected, any citizen of the United States or other person, within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proceeding for redress.'

Now, Mr. Justice Harlan, Mr. Justice Brown and Mr. Justice Brewer in their dissenting opinions properly hold that the Supreme Court has the power to grant the relief prayed.

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